

1 AN ACT concerning the office of Secretary of State.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Secretary of State Act is amended by
5 adding Section 14 as follows:

6 (15 ILCS 305/14 new)

7 Sec. 14. Inspector General.

8 (a) The Secretary of State must, with the advice and
9 consent of the Senate, appoint an Inspector General for the
10 purpose of detection, deterrence, and prevention of fraud,
11 waste, mismanagement, misconduct, and other abuses in the
12 Office of the Secretary of State. The Inspector General
13 shall serve a 2-year term. If no successor is appointed and
14 qualified upon the expiration of the Inspector General's
15 term, the office of Inspector General is deemed vacant and
16 the powers and duties under this Section may be exercised
17 only by an appointed and qualified interim Inspector General
18 until a successor Inspector General is appointed and
19 qualified. If the General Assembly is not in session when a
20 vacancy in the office of Inspector General occurs, the
21 Secretary of State may appoint an interim Inspector General
22 whose term shall expire 2 weeks after the next
23 regularly-scheduled session day of the Senate.

24 (b) The Inspector General shall have the following
25 qualifications:

26 (1) has not been convicted of any felony under the
27 laws of this State, another State, or the United States;

28 (2) has earned a baccalaureate degree from an
29 institution of higher education; and

30 (3) has either (A) 5 or more years of service with
31 a federal, State, or local law enforcement agency, at

1 least 2 years of which have been in a progressive
2 investigatory capacity; (B) 5 or more years of service as
3 a federal, State, or local prosecutor; or (C) 5 or more
4 years of service as a senior manager or executive of a
5 federal, State, or local law enforcement agency.

6 (c) The Inspector General may review, coordinate, and
7 recommend methods and procedures to increase the integrity,
8 productivity, and efficiency of the Office of the Secretary
9 of State. The duties of the Inspector General shall
10 supplement and not supplant the duties of the Chief Auditor
11 for the Secretary of State's Office. The Inspector General
12 must report directly to the Secretary of State.

13 (d) The Secretary of State may designate the Inspector
14 General and inspectors who are members of the Inspector
15 General's office as peace officers; however, the Inspector
16 General and his or her inspectors may not be members of the
17 Secretary of State's police force. These inspectors shall
18 have all the powers possessed by police officers in
19 municipalities and by sheriffs of counties, and the
20 inspectors may exercise those powers anywhere in the State
21 but only in the investigation of allegations of misconduct or
22 criminal behavior by the Secretary of State or employees of
23 the Office of the Secretary of State.

24 No inspector may have peace officer status or exercise
25 police powers unless he or she successfully completes the
26 basic police training mandated and approved by the Illinois
27 Law Enforcement Training Standards Board or the Board waives
28 the training requirement by reason of the inspector's prior
29 law enforcement experience or training, or both.

30 The Board may not waive the training requirement unless
31 the inspector has had a minimum of 5 years of experience as a
32 sworn officer of a local, State, or federal law enforcement
33 agency, 2 of which must have been in an investigatory
34 capacity.

1 (e) In addition to the authority otherwise provided by
2 this Section, but only when investigating the Office of the
3 Secretary of State, its employees, or their actions, the
4 Inspector General is authorized:

5 (1) To have access to all records, reports, audits,
6 reviews, documents, papers, recommendations, or other
7 material available that relates to programs and
8 operations with respect to which the Inspector General
9 has responsibilities under this Section.

10 (2) To make any investigations and reports relating
11 to the administration of the programs and operations of
12 the Office of the Secretary of State that are, in the
13 judgement of the Inspector General, necessary or
14 desirable.

15 (3) To request any information or assistance that
16 may be necessary for carrying out the duties and
17 responsibilities provided by this Section from any local,
18 State, or federal governmental agency or unit thereof.

19 (4) To require by subpoena the appearance of
20 witnesses and the production of all information,
21 documents, reports, answers, records, accounts, papers,
22 and other data and documentary evidence necessary in the
23 performance of the functions assigned by this Section,
24 with the exception of subsection (c). A subpoena may be
25 issued under this paragraph (4) only by the Inspector
26 General and not by members of the Inspector General's
27 staff. Any person subpoenaed by the Inspector General
28 has the same rights as a person subpoenaed by a grand
29 jury. Any person who knowingly (A) fails to appear in
30 response to a subpoena or (B) fails to produce any books
31 or papers pertinent to an investigation under this
32 Section is guilty of a Class A misdemeanor.

33 (5) To have direct and prompt access to the
34 Secretary of State for any purpose pertaining to the

1 performance of functions and responsibilities under this
2 Section.

3 (f) The Inspector General may receive and investigate
4 complaints or information from an employee of the Secretary
5 of State concerning the possible existence of an activity
6 constituting a violation of law, rules, or regulations;
7 mismanagement; abuse of authority; or substantial and
8 specific danger to the public health and safety. Any
9 employee who knowing files a false complaint or files a
10 complaint with reckless disregard for the truth or the
11 falsity of the facts underlying the complaint may be subject
12 to discipline as set forth in the rules of the Department of
13 Personnel of the Secretary of State.

14 The Inspector General may not, after receipt of a
15 complaint or information from an employee, disclose the
16 identity of the employee without the consent of the employee.

17 Any employee who has the authority to take, direct others
18 to take, recommend, or approve any personnel action may not,
19 with respect to that authority, take or threaten to take any
20 action against any employee as a reprisal for making a
21 complaint or disclosing information to the Inspector General,
22 unless the complaint was made or the information disclosed
23 with the knowledge that it was false or with willful
24 disregard for its truth or falsity.

25 (g) The Inspector General must adopt rules, in
26 accordance with the provisions of the Illinois Administrative
27 Procedure Act, establishing minimum requirements for
28 initiating, conducting, and completing investigations. The
29 rules must establish criteria for determining, based upon the
30 nature of the allegation, the appropriate method of
31 investigation, which may include, but is not limited to, site
32 visits, telephone contacts, personal interviews, or requests
33 for written responses. The rules must also clarify how the
34 Office of the Inspector General shall interact with other

1 local, State, and federal law enforcement investigations.

2 (h) On or before January 1 of each year, the Inspector
3 General shall report to the President of the Senate, the
4 Minority Leader of the Senate, the Speaker of the House of
5 Representatives, and the Minority Leader of the House of
6 Representatives on the types of investigations and the
7 activities undertaken by the Office of the Inspector General
8 during the previous calendar year.

9 Section 10. The Secretary of State Merit Employment Code
10 is amended by changing Section 16 as follows:

11 (15 ILCS 310/16) (from Ch. 124, par. 116)

12 Sec. 16. Status of present employees. Employees holding
13 positions in the Office of the Secretary of State herein
14 shall continue under the following conditions:

15 (1) Employees who have been appointed as the result of
16 having passed examinations in accordance with the provisions
17 of the "Personnel Code", and who have satisfactorily passed
18 the probationary period or who have been promoted in
19 accordance with the rules thereunder, shall be continued
20 without further examination, but shall be otherwise subject
21 to provisions of this Act and the rules made pursuant to it.

22 (2) Employees who have been appointed as the result of
23 having passed examinations pursuant to the provisions of the
24 "Personnel Code" but have not completed their probationary
25 period on the effective date of this Act shall be continued
26 without further examination but shall be otherwise subject to
27 provisions of this Act and the rules made pursuant to it.
28 Time served on probation prior to the effective date of this
29 Act shall count as time served on the probationary period
30 provided by this Act.

31 (2.5) Persons who, immediately before the effective date
32 of this amendatory Act of the 92nd General Assembly, were

1 employees with investigatory functions of the Inspector
2 General within the Office of the Secretary of State and who
3 are subject to the Secretary of State Merit Employment Code
4 shall be appointed to the position of inspector, as described
5 in Section 14 of the Secretary of State Act, if they: (i)
6 meet the requirements described in Section 14 of the
7 Secretary of State Act; (ii) pass a qualifying examination as
8 prescribed by the Director of Personnel within 6 months after
9 the effective date of this amendatory Act of the 92nd General
10 Assembly; and (iii) satisfactorily complete their respective
11 probationary periods. The qualifying examination for
12 inspectors shall be similar to those required for entrance
13 examinations for comparable positions in the office of the
14 Secretary of State. Inspectors shall be appointed without
15 regard to eligible lists. Nothing in this subsection
16 precludes the office of the Secretary of State from
17 reclassifying or reallocating employees who would otherwise
18 qualify as inspectors.

19 (3) All other such employees subject to the provisions
20 of this Act shall be continued in their respective positions
21 if they pass a qualifying examination prescribed by the
22 Director within 9 months from the effective date of this Act,
23 and satisfactorily complete their respective probationary
24 periods. Such qualifying examinations shall be similar to
25 those required for entrance examinations for comparable
26 positions in the Office of the Secretary of State.
27 Appointments of such employees shall be without regard to
28 eligible lists. Nothing herein precludes the
29 reclassification or reallocation as provided by this Act of
30 any position held by such incumbent.

31 (4) Nothing in this Act shall be construed to prejudice,
32 reduce, extinguish or affect the rights or privileges
33 determined through judicial process to have been conferred on
34 any present or past employee under the Illinois Personnel

1 Code. In the event that any court of competent jurisdiction
2 shall determine that present or past employees of the
3 Secretary of State have any rights arising from the Illinois
4 Personnel Code, those rights shall be recognized under this
5 Act.

6 (5) Any person who, as a result of any court order,
7 court approved stipulation or settlement, has any employment
8 or re-employment rights prior to the effective date of this
9 Act shall continue to have such rights after the effective
10 date of this Act.

11 (Source: P.A. 80-13.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.